

Remarks

Claims 1 through 19 remain pending in the application.

The Office Action rejects claims 1 through 19 as obvious over Becker, et al., Data Carrier Having an Optical Authenticity Feature and Methods for Producing and Testing Said Data Carrier, U.S. Patent 4,765,656 (Aug. 23, 1988) in view of Moraw, et al., Identity Card, U.S. Patent 4,298,217 (Nov. 3, 1981) under the assertion that Becker discloses a data carrier into which, by a laser beam, identifiers are introduced in the form of patterns, letters, numbers or images that are visible due to local changes in the optical properties of the data carrier, effected by the laser beam and resulting from material transformations. The Office Action further asserts that the data carrier is characterized in that the data carrier has a laser-sensitive recording layer that is transparent in the visible spectral range and that it is provided with a surface relief in the form of a lens grid, such that the identifiers are introduced with the laser beam from different directions through the lens grid into the recording layer and are perceptible when viewed from those same directions, and in that the data carrier is transparent at least in the area of the introduced identifiers. The Office Action also asserts that the data carrier is characterized in that the changes in the optical properties of the data carrier are visible in transmitted light; the changes in the optical properties of the data carrier are visible in reflected light; the lens grid has cylindrical lenses or spherical lenses; the recording layer is formed by a non-self-supporting layer of thickness of about 1 micrometers to about 800 micrometers; the recording layer is disposed in the interior

for the data carrier; the identifiers contain personal data, including a signature, a birth date, or a portrait; the identifiers contain data relating to the data carrier, including a validity period, a card number, or the information about the issuing authority or institute; the identifiers are present in screened form, the grid elements formed by rod-shaped pixels; the identifiers that are perceptible from different directions are nested within each other in the recording layer; the data carrier exhibits an at least partially transparent body in or on which the recording layer and the lens grip are disposed; the data carrier exhibits, in addition to the identifiers, black-and-white or colored impressions or further laser inscriptions; the data carrier is provided with one or more further security features, especially with luminescent, magnetic or electrical substances, or with optically variable structures, such as holographic structures; the data carrier constitutes a value document, including a banknote or an identification card; and a valued document, such as a banknote, identification card of the like, having a value document substrate having a window area that is covered on one side or on both sides with a security element. The Office Action asserts that Becker fails to teach that the data carrier is transparent. However, the Office Action further asserts that Moraw teaches a data carrier into which identifiers are introduced wherein the data carrier is transparent at least in the area of the introduced identifiers. The Office Action also suggests that it would have been obvious to one of ordinary skill in the art to provide Becker with a data carrier which is transparent at least in the area of the introduced identifiers as a design expedient chosen by the card creator for aesthetically pleasing purposes or for the

functional purpose of making the information printed onto the card more visually discernable.

The cited references do not disclose all limitations of the claims. With regard to independent claim 1, Moraw does not disclose that the data carrier is transparent, at least in the area of the introduced identifiers as claimed by the applicant. In col. 3, ll.17-18, Moraw defines layers 3 and 4 that are disclosed as having moderate to low transparency. Both layers have a matt, preferably white, coloring as a result of the added pigments (see col. 3, ll. 20-21). While each of the layers are translucent, the data carrier as a whole may be opaque because the light attenuation of the two layers is added. This can be the case where, for example, each of the layers has a light transmission of 5%. In this instance, the data carrier as a whole has a light transmission of only $5\% \times 5\% = 0.25\%$ and is opaque and not translucent.

Further, due to the matt or white coloring, the appearance of the data carrier of Moraw is translucent and not transparent as claimed by applicant. Applicant has attached an excerpt from the Oxford University Press, Dictionary of Physics, which defines both "translucent" and "transparent." A material is defined as transparent if it permits the passage of radiation without significant deviation or absorption. A material is defined as translucent if it permits the passage of radiation but not without some scattering or diffusion. For example, frosted glass is translucent because it allows light to pass through it but an object cannot be seen clearly through it because the light rays are scattered by it. The pigmented matt or white layers of Moraw are disclosed to be translucent because the pigments scatter and diffuse incident light to generate the

matt or white appearance. This is consistent with the dictionary definition as defined above. On the other hand, applicant's invention claims that the data carrier is transparent, at least in the area of the introduced data carriers. Therefore, because at least one claimed limitation is missing, the cited references do not render the claimed invention obvious.

Also, there is no motivation to combine the references as suggested by the Office Action. There would be no reason to modify Becker to make the data carrier transparent as suggested by the Office Action. Becker discloses a configuration where the information is recorded directly in the core layer. In this configuration, the core layer is not transparent but is instead made of paper or a colored synthetic material. In addition, col. 6, ll. 25-30 and col. 9, ll. 24-25 further disclose that other information may be provided on the front and optionally the back of the core layer. Thus there would be no motivation to make this layer transparent because this information would not be viewable. Thus, because there is no motivation to combine the references as suggested, the cited references do not render the claimed application obvious.

Claims 2 through 16 depend from amended independent claim 1 and as discussed above, the rejections with respect to Becker and Moraw are overcome and therefore claims 2 through 16 should also be allowed for the same reasons.

With regard to claim 17, Moraw does not disclose that data carrier has a transparent area. As discussed above, Moraw discloses that the appearance of the data carrier is translucent and not transparent as claimed by applicant. A translucent

layer is not transparent as claimed by applicant but is instead opaque. Instead, Applicant's claimed invention requires securing a laser sensitive recording layer being transparent in the visible spectral range. Therefore, the translucent layers disclosed in Moraw do not disclose the data carrier has a laser sensitive recording layer that is transparent. Therefore, because at least one claimed limitation is missing the cited references do not render the claimed invention obvious.

Claims 18 and 19 depend from amended independent claim 17 and as discussed above, the rejections with respect to the cited references are overcome and therefore claims 18 and 19 should also be allowed for the same reasons.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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By: /Niky Economy Syrengleas/
Niky Economy Syrengelas, Esq.
Reg. No. 46680